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Attorneys for Plaintiff
Lynwood Investments CY Limited

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNWOOD INVESTMENTS CY LIMITED,

Plaintiff,

vs.

MAXIM KONOVALOV, IGOR SYSOEV,
ANDREY ALEXEEV, MAXIM DOUNIN,
GLEB SMIRNOFF, ANGUS ROBERTSON,
NGINX, INC. (BVI), NGINX SOFTWARE,
INC., NGINX, INC. (DE), BV NGINX, LLC,
RUNA CAPITAL, INC., EVENTURE CAPITAL
PARTNERS II LLC and F5 NETWORKS, INC.,

Defendants.

Case No. 3:20-cv-03778-MMC

**STIPULATION AND [PROPOSED]
ORDER FOR EXTENSION OF
DEADLINES TO COMPLETE PHASE 1
DISCOVERY AND FILE PHASE 1
DISPOSITIVE MOTIONS**

Pursuant to Civil Local Rule 6-1(b) and Rule 16(b)(4) of the Federal Rules of Civil Procedure, Plaintiff Lynwood Investments CY Limited (“Lynwood”), Defendants Maxim Konovalov, Igor Sysoev, Andrey Alexeev, Maxim Dounin, Gleb Smirnoff, and Angus Robertson (collectively, the “Individual Defendants”), as well as Defendants NGINX, Inc. (BVI), NGINX Software, Inc., and F5 Networks, Inc. (collectively, the “F5 Defendants” and, together with the Individual Defendants, “Defendants” and, all Defendants together with Plaintiff, collectively, the “Parties”), by and through their respective undersigned counsel, hereby stipulate as follows:

WHEREAS, on March 10, 2025, the Court issued a Pretrial Preparation Order, ECF No. 211 (the “Scheduling Order”), in which the Court ordered: (1) that the initial phase of fact discovery, limited to whether any NGINX Plus code was written by defendant Sysoev or other former Rambler employees during their employment by Rambler before the end of 2011 (“Phase 1 Discovery”), would begin on May 19, 2025, and would end on March 19, 2026; (2) that the deadline for initial phase dispositive motions would be April 20, 2026; and (3) that the hearing on initial phase dispositive motions would be on May 29, 2026, at 10:00 a.m.;

WHEREAS, during the case management conference on March 7, 2025, the Court recognized that additional time may be required to complete Phase 1 Discovery (ECF No. 230-10 at 44:10-16);

WHEREAS, upon determining that Phase 1 Discovery could not be completed before the current March 19, 2026, deadline, counsel for Plaintiff Lynwood contacted counsel for Defendants to request their consent to an extension of time, through and including June 26, 2026, to complete Phase 1 Discovery;

WHEREAS, all Defendants have consented to the requested extension of time to complete Phase 1 Discovery through and including June 26, 2026, on the condition that the Parties agree in this stipulation that additional discovery beyond Phase 1 Discovery shall not commence until after the Court rules on any dispositive motion filed at the conclusion of Phase 1 Discovery;

WHEREAS, the Parties have been actively engaged in discovery since the beginning of the Phase 1 Discovery period, and, since May 19, 2025, have engaged in, inter alia:

- (a) the service of and responding to extensive written discovery requests between the Parties, including interrogatories, document requests and requests for

admission;

(b) extended meet and confer correspondence and conferences regarding the Parties' discovery requests and responses;

(c) the service by Plaintiff Lynwood of subpoenas for documents to nine third parties;

(d) correspondence and conferences regarding Plaintiff Lynwood's third-party discovery requests and responses;

(e) the filing, briefing and argument before Magistrate Judge Westmore of Plaintiff Lynwood's motion to compel third party Netflix, Inc. ("Netflix") to comply with Lynwood's subpoena to Netflix (ECF No. 228) and further conferences in accordance with Magistrate Judge Westmore's October 21, 2025 Order on Lynwood's motion (ECF 252);

(f) extensive negotiations regarding the scope and terms of a stipulated protective order governing the discovery in this case, including the inspection of software code;

(g) lengthy meet and confer conferences regarding the protocols for the collection and production of electronically stored information ("ESI");

(h) the filing and briefing of the Parties' Joint Discovery Letter Brief regarding the protective order (ECF No. 254);

(i) further negotiation of a final protective order in accordance with Magistrate Judge Westmore's December 1, 2025 Order (ECF No. 257) on the Parties' Joint Discovery Letter Brief; and

(j) collecting and reviewing for production, after entry of a stipulated protective order, documents and data responsive to the Parties' discovery requests;

WHEREAS, the Parties are in the final stages of preparing a stipulated protective order for approval and entry by the Court, and the Parties and several non-parties, including Netflix, have stated that they are unable to commence document production unless and until there is a protective order in place;

WHEREAS, no depositions have yet been scheduled or taken place, and cannot occur until substantial document production is complete;

1 WHEREAS, in view of the above, the Parties will not reasonably be able to conclude Phase 1
2 Discovery by the existing deadline of March 19, 2026;

3 WHEREAS, in view of the above, there is good cause for the extensions of the Phase 1 Discovery
4 and motion deadlines requested herein, in accordance with *Johnson v. Mammoth Recreations, Inc.*, 975
5 F.2d 604, 607 (9th Cir. 1992) (under Fed. R. Civ. P. 16(b), modification of a pretrial scheduling order
6 requires a showing of “good cause”) and *Liberty Mut. Ins. Co. v. California Auto. Assigned Risk Plan*,
7 No. C 11-1419 MMC, 2012 WL 3277213, at *3 (N.D. Cal. Aug. 9, 2012) (J. Chesney) (good cause may
8 be shown by a party’s inability to comply due to circumstances that could not have been reasonably
9 foreseen, and when the scheduling order was issued coupled with diligence in seeking leave);

10 WHEREAS, Plaintiff has consulted with Defendants and all Defendants have agreed to this request
11 to extend the end of Phase 1 Discovery through and including June 26, 2026 and reset the dates for the
12 filing and hearing of Phase 1 dispositive motions; and

13 WHEREAS, the Parties have promptly sought this extension via stipulation after determining that,
14 despite the extensive discovery efforts to date, the Parties will be unable to complete Phase 1 Discovery
15 within the initial deadline set by the Court.

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
17 undersigned counsel for the Parties, as follows:

- 18 1. That the deadline for the completion of Phase 1 Discovery be EXTENDED from
19 March 19, 2026, to June 26, 2026;
- 20 2. That the deadline for Initial Phase Dispositive Motions to be filed be EXTENDED from
21 April 20, 2026, to July 27, 2026;
- 22 3. That the Initial Phase Dispositive Motion hearing be rescheduled from May 29, 2026
23 at 10:00 a.m. to September 11, 2026 at 10:00 a.m.; and
- 24 4. That the Parties shall not engage in additional discovery beyond Phase 1 Discovery
25 until after the Court decides any dispositive motions filed after the conclusion of
26 Phase 1 Discovery.

1 Respectfully submitted,

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3 Dated: December 17, 2025

By: /s/ Christopher J. Major
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15 *Attorneys for Plaintiff*

16 Lynwood Investments CY Limited
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Dated: December 17, 2025

By: /s/ Benjamin J. Fox

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Dated: December 17, 2025

By: /s/ Shane Brun

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Maxim Dounin and Angus Robertson

ORDER

Upon review of the above stipulation, **IT IS SO ORDERED.**

Dated: _____

MAXINE M. CHESNEY
Senior United States District Judge

LOCAL RULE 5-1(i)(3) ATTESTATION

I, Christopher J. Major attest that all signatories listed herein, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

By: /s/ Christopher J. Major